

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

FILED  
Charlotte, NC

JUN 24 2021

DOCKET NO.: 3:20cr366

Clerk, US District Court  
Western District NC

UNITED STATES OF AMERICA )

v. )

QUANDARIUS ANTONIO FUNDERBURK )

CONSENT ORDER AND  
JUDGMENT OF FORFEITURE

BASED UPON the Defendant's plea of guilty and finding that there is a nexus between the property listed below and the offense(s) to which the Defendant has pled guilty and that the Defendant (or any combination of Defendants in this case) has or had a possessory interest or other legal interest in the property, IT IS HEREBY ORDERED THAT:

1. The following property is forfeited to the United States pursuant to 18 U.S.C. § 924 and/or 28 U.S.C. § 2461(c), provided, however, that forfeiture of specific assets is subject to any and all third party petitions under 21 U.S.C. § 853(n), pending final adjudication herein:

**One Smith & Wesson, 32 caliber revolver, serial number 143907 and ammunition seized on or about May 25, 2019 from Defendant during the investigation;**

2. The United States Marshals Service, the investigative agency, and/or the agency contractor is authorized to take possession and maintain custody of the above specific asset(s).

3. If and to the extent required by Fed. R. Crim. P. 32.2(b)(6), 21 U.S.C. § 853(n), and/or other applicable law, the United States shall publish notice and provide direct written notice of forfeiture.

4. Any person, other than the Defendant, asserting any legal interest in the property may, within thirty days of the publication of notice or the receipt of notice, whichever is earlier, petition the court for a hearing to adjudicate the validity of the alleged interest.


5. Pursuant to Fed. R. Crim. P. 32.2(b)(3), upon entry of this order, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate, or dispose of the property, including depositions, interrogatories, and request for production of documents, and to issue subpoenas pursuant to Fed. R. Civ. P. 45.

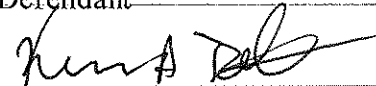
6. As to any specific assets, following the Court's disposition of all timely petitions, a final order of forfeiture shall be entered. If no third party files a timely petition, this order shall become the final order of forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2), and the United States shall have clear title to the property, and shall dispose of the property according to law.

The parties stipulate and agree that the aforementioned asset(s) constitute property involved in or used in the offense(s) and are therefore subject to forfeiture pursuant to 18 U.S.C. § 924 and/or 28 U.S.C. § 2461(c). The Defendant hereby waives the requirements of Fed. R. Crim. P. 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment against Defendant. If the Defendant has previously submitted a claim in response to an administrative forfeiture proceeding regarding any of this property, Defendant hereby withdraws that claim. If Defendant has not previously submitted such a claim, Defendant hereby waives all right to do so. As to any firearms listed above and/or in the charging instrument, Defendant consents to destruction by federal, state, or local law enforcement authorities upon such legal process as they, in their sole discretion deem to be legally sufficient, and waives any and all right to further notice of such process or such destruction.

WILLIAM T. STETZER  
ACTING UNITED STATES ATTORNEY

  
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MARIA K. VENTO  
Assistant United States Attorney

  
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QUANDARIUS ANTONIO FUNDERBURK  
Defendant

  
\_\_\_\_\_  
KEVIN TATE, ESQ.  
Attorney for Defendant

Signed this the 24<sup>th</sup> day of June, 2021.

  
\_\_\_\_\_  
UNITED STATES District JUDGE

**FILED**

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Western District NC

V.

I, Defendant Quandarius Antonio Funderburk, hereby freely and voluntarily agree to surrender, abandon, and relinquish all rights, title, interest in, or claims to the following property:

**One Heckler and Koch, model VP40, 40 caliber pistol, serial number 222-019412 and ammunition seized on or about May 6, 2020 from Defendant during the investigation. (collectively the “FIREARMSS”).**

I consent to the destruction or other disposition of the FIREARMS, and waive any right to receive notice or hearing, whether judicial or administrative, that a governmental entity may take, in its sole discretion, to carry out the destruction or other disposition of the FIREARMS.

QUANDARIUS ANTONIO FUNDERBURK  
Defendant *Quandarius*